

03-R-0903

A RESOLUTION BY COUNCIL MEMBER:  
H. LAMAR WILLIS

A RESOLUTION AUTHORIZING THE PAYMENT OF VANGUARD'S PREFERENCE DEMAND PURSUANT TO § 547(b) OF THE UNITED STATES BANKRUPTCY CODE; AUTHORIZING THE CHIEF FINANCIAL OFFICER TO DISBURSE AN AMOUNT NOT TO EXCEED \$16,000.00 FAC 2H01 529010 T31001 AND FOR OTHER PURPOSES.

WHEREAS, Vanguard Airlines, filed for bankruptcy on July 30, 2002 ("Petition Date").

WHEREAS, the City of Atlanta (City) received payments from Vanguard totaling \$24,837.33 during the ninety (90) day period preceding the Petition Date.

WHEREAS, the payments made by Vanguard to the City in the amount of \$24, 837.33 constitute a preference payment as defined by § 547(b) of the United States Bankruptcy Code.

WHEREAS, Pursuant to § 547(b) of the United States Bankruptcy Code, a preference is any payment (i) made by Vanguard to a creditor during the ninety (90) day period prior to the Petition Date (in the case the period between May 1, 2001 through July 29, 2002), when Vanguard was insolvent, (ii) for a preexisting debt, and (iii) that allows the creditor (the City) to recover more than if it had been paid in the bankruptcy case.

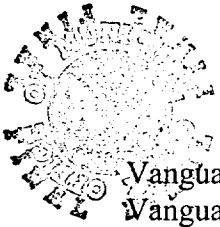
WHEREAS, the City's Law Department negotiated the amount of the preference demand from \$24,837.33 to \$16, 000.00.

WHEREAS, pursuant to § 547(b) of the United States Bankruptcy Code the City has to pay to Vanguard Airlines the amount of \$16,000.00.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA GEORGIA, AS FOLLOWS REGARDING THE § 567(B) BANKRUPTCY PREFERENCE DEMAND:

Section 1: That the City Attorney be and is hereby authorized to conclude complete settlement of all claims which have been asserted or could have been asserted and from which negotiations have been completed with Vanguard Airlines.

Section 2: That the total settlement amount of Vanguard's preference demand is \$16, 000.00



Section 3: That the Chief Financial Officer is authorized and directed to pay Vanguard Airlines the amount of \$16,000.00, as negotiated between the City of Atlanta and Vanguard Airlines, from fund 2H01 529010 T31001.

Section 4: That the City Attorney is hereby directed to prepare the appropriate releases and other settlement documents as are necessary to protect the City's interest.

Section 5: That nothing in this resolution shall operate, nor shall be construed, to estop or prejudice the City from contesting the validity of or disputing liability for any claims asserted or which could have been asserted in connection with this Airline, or any of its successors firms or claims asserted by any other airline that has now or in the past had any claims against the City whether such claims are mature or are hereafter accruing.

A true copy,

*Phonda Daughin Johnson*  
Municipal Clerk, CMC

ADOPTED by the Council  
APPROVED by the Mayor

JUN 16, 2003  
JUN 24, 2003

RCS# 4836  
6/16/03  
5:03 PM

Atlanta City Council

Regular Session

CONSENT I            PAGES 1-13; EXCEPT: 03-R-0929; 03-O-0693  
                         03-O-0913; 03-O-0668; 03-O-0669  
                         ADOPT

YEAS: 10  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 3  
EXCUSED: 1  
ABSENT 2

Y Smith	B Archibong	E Moore	Y Mitchell
Y Starnes	Y Fauver	Y Martin	NV Norwood
Y Young	NV Shook	B Maddox	Y Willis
Y Winslow	Y Muller	Y Boazman	NV Woolard

CONSENT I

RCS# 4835  
6/16/03  
5:02 PM

Atlanta City Council

Regular Session

CONSENT I            PAGES 1-13; EXCEPT: 03-R-0929; 03-O-0693  
                         03-O-0913; 03-O-0668  
                         RECONSIDER

YEAS:            9  
NAYS:            0  
ABSTENTIONS:   0  
NOT VOTING:      4  
EXCUSED:          1  
ABSENT            2

NV Smith	B Archibong	E Moore	Y Mitchell
Y Starnes	NV Fauver	Y Martin	NV Norwood
Y Young	Y Shook	B Maddox	Y Willis
Y Winslow	Y Muller	Y Boazman	NV Woolard

CONSENT I

RCS# 4815  
6/16/03  
2:28 PM

Atlanta City Council

Regular Session

CONSENT I            PAGES 1-13; EXCEPT: 03-R-0929; 03-O-0693  
                         03-O-0913; 03-O-0668  
                         ADOPT

YEAS: 11  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 3  
EXCUSED: 0  
ABSENT 2

Y Smith	B Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	Y Martin	Y Norwood
Y Young	Y Shook	B Maddox	Y Willis
Y Winslow	NV Muller	NV Boazman	NV Woolard

CONSENT I

		6/16/03 Full Council Meeting
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	ITEMS ADVERSE ON CONSENT
1. 03-O-0906 2. 03-O-0911 3. 03-O-0905 4. 03-O-0764 5. 03-O-0914 6. 03-O-0667 7. 03-O-0671 8. 03-O-0839 9. 03-O-0908 10. 03-O-0910 11. 03-O-0912 12. 03-R-0851 13. 03-R-0853 14. 03-R-0854 15. 03-R-0922 16. 03-R-0927 17. 03-R-0928 18. 03-R-0891 19. 03-R-0894 20. 03-R-0921 21. 03-R-0890 22. 03-R-0893 23. 03-R-0895 24. 03-R-0903 25. 03-R-0938 26. 03-R-0848 27. 03-R-0849 28. 03-R-0892 29. 03-R-0918 30. 03-R-0919 31. 03-R-0923 32. 03-R-0924 33. 03-R-0897	34. 03-R-0855 35. 03-R-0856 36. 03-R-0857 37. 03-R-0858 38. 03-R-0859 39. 03-R-0860 40. 03-R-0861 41. 03-R-0862 42. 03-R-0863 43. 03-R-0864 44. 03-R-0865	45. 03-R-0866 46. 03-R-0867 47. 03-R-0868 48. 03-R-0869 49. 03-R-0870 50. 03-R-0871 51. 03-R-0872 52. 03-R-0873 53. 03-R-0874 54. 03-R-0875 55. 03-R-0876 56. 03-R-0877 57. 03-R-0878 58. 03-R-0879 59. 03-R-0880 60. 03-R-0881 61. 03-R-0882 62. 03-R-0883 63. 03-R-0884 64. 03-R-0885 65. 03-R-0886 66. 03-R-0887 67. 03-R-0888

Consent I Vote: 10Yeas; 0Nays: (See RCS #4836)

Items Removed from the Consent Agenda: 03-O-0913; 03-O-0693; 03-O-0668; 03-O-0669; 03-O-0929

03-R-0903

(Do Not Write Above This Line)

A RESOLUTION

BY COUNCIL MEMBER:  
H. LAMAR WILLIS

A RESOLUTION AUTHORIZING

THE PAYMENT OF VANGUARD'S  
PREFERENCE DEMAND PURSUANT  
TO SECTION 547(b) OF THE UNITED  
STATES BANKRUPTCY CODE;  
AUTHORIZING THE CHIEF  
FINANCIAL OFFICER TO  
DISBURSE AN AMOUNT NOT  
TO EXCEED \$16,000.00 FAC  
2H01 529010 T31001 AND FOR  
OTHER PURPOSES.

APPROVED BY:

*Boonard R. Howell*  
Deputy City Attorney

First Reading  
Committee \_\_\_\_\_  
Date \_\_\_\_\_  
Chair \_\_\_\_\_  
Referred To \_\_\_\_\_

Committee  
*TRANSPORTATION*  
Date  
*6/11/03*  
Chair  
*[Signature]*

Action  
Fav, Adv, Hold (see rev. side)  
Other

Members

*[Signatures]*  
*Charles L. Woods*  
*Blair Philled*

Refer To

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

Refer To

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

ADOPTED BY  
COUNCIL

JUN 16 2003

- ☐ CONSENT REFER  
☐ REGULAR REPORT REFER  
☐ ADVERTISE & REFER  
☐ 1st ADOPT 2nd READ & REFER  
☒ PERSONAL PAPER REFER

Date Referred

*6/2/03*

Referred To:

*Transportation*

Date Referred

Referred To:

Date Referred

Referred To:

FINAL COUNCIL ACTION  
☐ 2nd ☐ 1st & 2nd ☐ 3rd  
Readings-  
☒ Consent ☐ V Vote ☒ RC Vote

CERTIFIED

CERTIFIED  
JUN 16 2003

ATLANTA CITY COUNCIL PRESIDENT

*Latoya W. Hubbard*

CERTIFIED  
JUN 16 2003

*Frankie Campbell Johnson*  
MUNICIPAL CLERK

MAYOR'S ACTION

*[Signature]*  
JUN 24 2003  
MAYOR